

Administrative Office of the Courts
Supreme Court of New Mexico
Arthur W. Pepin, Director



Hilari B. Lipton, JD
Child Welfare and Juvenile Justice
Attorney
237 Don Gaspar, Rm 25
Santa Fe, NM 87501

505-827-4887 (office)
505-363-7188 (cell)
505-827-4824 (fax)
aochbl@nmcourts.gov

REQUEST FOR PROPOSALS - RFP #2016-001

A. Confirmation of Receipt

Potential offerors must confirm receipt of this RFP by sending an e-mail to caaffbid@nmcourts.gov with "RFP Confirmation" in the subject line. The body of the e-mail shall include the potential offeror's name, address, e-mail address, and phone number. The e-mail confirming receipt of the RFP must be received by the above e-mail address on or before 4:00 p.m. MDT April 29, 2015. Only potential offerors who have confirmed receipt of the RFP will be placed on the "RFP Distribution List" and will receive written answers to questions regarding the RFP and any amendments to the RFP.

B. Procurement Manager/Questions

Questions regarding this RFP must be submitted in writing to the Procurement Manager, Hilari Lipton, by e-mail at caaffbid@nmcourts.gov with the phrase "CAAFF RFP Question" in the subject line; or by mail to Hilari Lipton, AOC, 237 Don Gaspar, Room 25, Santa Fe, NM 87501. Written questions must be received by May 1, 2015. Written responses will be e-mailed to all offerors on the RFP Distribution List on or before May 8, 2015.

C. Purpose

In accordance with the appropriate sections of the New Mexico Procurement Code (Chapters 13-1-28 through 13-1-199 NMSA 1978 amended), the Administrative Office of the Courts (AOC) is accepting sealed proposals from licensed New Mexico attorneys or firms to provide professional legal services in the Second, Seventh, and Tenth Judicial Districts:

1. **The Second Judicial District** consisting of Bernalillo County, as described below:

Attorneys for Indigent Juveniles or Adults who are committed voluntarily or involuntarily under the Mental Health Code for all cases filed, reopened, or reassigned during the contract period.

Attorneys to act as Guardian ad Litem and/or Youth Attorney of a child or children who are the subject of a children with families in need of court ordered supervision (FINCOS), abuse and neglect, adoption, or guardianship proceedings arising under the

New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Respondents Attorneys for clients whose child or children are the subject of families in need of court ordered supervision (FINCOS), abuse and neglect, adoption or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Proposals are to be made for the cases filed in the Second Judicial District.

2. **The Seventh Judicial District (Sierra and Torrance counties only)**, as described below:

Respondents Attorneys for clients whose child or children are the subject of families in need of court ordered supervision (FINCOS), abuse and neglect, adoption or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Proposals are to be made for the cases filed in the Seventh Judicial District.

Proposals must indicate the county or counties (Sierra and Torrance counties) in which the applicant is willing to accept appointments.

3. **The Tenth Judicial District**, consisting of Quay, DeBaca & Harding Counties, as described below:

Proposals should be submitted with the knowledge that appointed attorneys **will be expected to act in all three capacities** (Respondent, guardian ad litem, and youth attorney) on a rotation basis, where no potential conflict exists. The responsibilities of counsel in each role are described below:

Attorneys to act as Guardian ad Litem and/or Youth Attorney of a child or children who are the subject of a delinquency, children with families in need of court ordered supervision (FINCOS), abuse and neglect, adoption, or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Respondents Attorneys for clients whose child or children are the subject of delinquency, of families in need of court ordered supervision (FINCOS), abuse and neglect, adoption or guardianship proceedings arising under the New Mexico Children's Code; for all cases filed or reopened during the contract period; and all review hearings for which Notice was filed during the contract period;

Proposals are to be made for the cases filed in the Tenth Judicial District.

D. Statement of Work

The offeror will provide legal services to all clients in a professional and skilled manner in accordance with the relevant portions of the New Mexico Children's Code, Performance Standards for attorneys appointed in cases arising under the Children's Code, the Rules of Professional Conduct, applicable case law and rules, and the terms of the contract. Copies of sample contracts may be found at <http://www.nmcourts.gov/courtappointedattorneys.html>. The Court reserves the right to negotiate additional provisions with the successful bidder. All contracts must be reviewed and approved by the AOC.

Attorneys in abuse/neglect cases shall meet special requirements for a mandatory 10 hours minimum continuing legal education relevant to practice areas for which they are seeking appointment.

Attorneys who accept appointments for cases arising under the Children's Code are required to enter case activity into the online Court Appointed Attorney Fees Log in order to be paid. Attorneys required to access the on-line attorney log must have access to the Internet and a working e-mail address.

E. Term

Proposals are being considered for Fiscal Year 2016 beginning July 1, 2015 through June 30, 2016. Under the terms of Section 13-1-150, contracts may be subject to extensions not to exceed a total of four (4) years.

F. Rejection/Cancellation/Acceptance

The District Courts and the AOC reserve the right to reject any or all proposals in whole or in part and to cancel this RFP at any time when it is in their interests to do so. Discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for the award but proposals may be accepted without such discussions.

G. Proposal Evaluation Committee and Evaluation Criteria

All proposals will be reviewed by the Procurement Manager for compliance with the mandatory requirements stated within the RFP. Proposals deemed non-responsive will be eliminated from further consideration.

The Procurement Manager may contact the offeror for clarification of the response.

Proposals will be evaluated and scored by an Evaluation Team appointed by the District Court.

PLEASE READ CAREFULLY:

A. Proposals for appointments in **Children's Court** proceedings will be evaluated on the following criteria (see *Attachment C-1*): 1) applicant's ability to meet the case planning standards for each role relevant to the application (RA, GAL, etc.) See *Attorney Performance Standards* available at <http://www.nmcourts.com/courtappointedattorneys>; 2) experience working with the Children, Youth, and Families Department and community social service or mental health agencies; 3) current children's court trial and practice experience and/or related case

experience; 4) proposed contract amount; 5) the applicant's office organization and calendaring/docketing system; 6) the applicant's ability to meet with clients and perform home visits (for GALs); 7) the applicant's ability to work collaboratively while maintaining zealous advocacy; 8) knowledge of relevant federal law, court and administrative rules; 9) the applicant's ability to attend out-of-court meetings; 10) the applicant's view of challenges in children's law; 11) List of the following: last CORE and cross-trainings attended and number of related CLEs obtained in 2014 and 12) applicant's current standing with the New Mexico State Bar. An additional twenty points may be awarded based on assessment by the local judiciary for a total of 260 possible points. Judicial assessment includes factors such as any past court experience, court hearing attendance, timeliness, court demeanor etc. where applicable. **Applicants who have not previously appeared before the court in any capacity shall include up to three references to count towards this score.** Only proposals that incorporate a flat fee billing schedule shall be considered unless otherwise noted in the description.

B. Proposals for appointments in Civil Commitment proceedings will be evaluated on the following criteria (see *Attachment C-2*): 1) related case experience; 2) the applicant's current practice of law; 3) proposed contract amount; 4) the applicant's office organization and calendaring/docketing system; 5) the applicant's ability to meet with clients; 6) the applicant's experience working with clients with developmental challenges and/or mental illness; 7) the applicant's ability to meet with clients in various facilities; 8) the applicant's availability on short notice for hearings; and 9) applicant's current standing with the New Mexico State Bar. An additional twenty points may be awarded based on assessment by the local judiciary for a total of 200 possible points. Judicial assessment includes factors such as any past court experience, court hearing attendance, timeliness, court demeanor etc. where applicable. **Applicants who have not previously appeared before the court in any capacity shall include up to three references to count towards this score.** Only proposals that incorporate a flat fee billing schedule shall be considered unless otherwise noted in the description.

Responsive proposals will be evaluated on the factors and assigned points by a local selection committee. Each of the factors is assigned a point value. (See Attachment C-Sample Score Sheets). Each type of contract has its own score sheet. The responsive offerors with the highest scores will be selected as finalist offerors based upon the proposals submitted. Finalist offerors who are asked or choose to submit revised proposals for the purpose of obtaining best and final offers will have their points recalculated based on their revised proposal. The responsible offeror whose proposal is most advantageous to the District Court, taking into consideration the evaluation factors, will be recommended for contract award. Please note, however, that a serious deficiency in the response to any one factor may be grounds for rejection regardless of overall score.

H. Proposal Format

Proposals must:

- 1) identify the judicial district and county or counties for which the proposal is submitted;
- 2) address each of the numbered factors in each practice category as listed in paragraph G above.

2a. Factors must be addressed in the order listed in Paragraph G;

- 2b. Responses should include a heading indicating the factor addressed; be in concise paragraph form with examples where appropriate. (See paragraph G);
- 3) include a current resume;
 - 4) include verification of malpractice insurance;
 - 5) include a signed Campaign Disclosure Form (attachment A); and
 - 6) a list of CLE courses attended between January 1, 2014 and December 31, 2014.

Proposals must be submitted electronically, in one complete submission, in Word or PDF files to caaffbid@nmcourts.gov with the phrase **“CAAFF RFP”** in the subject line. Proposals must not be submitted before April 20, 2015 at 8:00am and must be received by **4:00 p.m. on May 18, 2015.**

The Campaign Disclosure Form may be signed, scanned and submitted electronically to aochbl@nmcourts.gov; or mailed to: Hilari Lipton, Administrative Office of the Courts, 237 Don Gaspar, Rm. 25, Santa Fe, New Mexico 87501 or hand-delivered to Hilari Lipton, Administrative Office of the Courts, 237 Don Gaspar, Room 212, Santa Fe, New Mexico 87501. Mailed or hand-delivered Campaign Disclosure forms must be in a sealed envelope labeled **CAAFF Proposal. No other portion of a proposal shall be mailed or hand delivered to the Procurement Manager.**

The Procurement Manager will electronically confirm receipt of each proposal within two business days of receipt. If confirmation is not received, e-mail Hilari Lipton at aoccaaff@nmcourts.gov. Proposals will be opened beginning on May 22, 2015.

A time-line of events relevant to the RFP and two sample-scoring sheets are included as Attachments B and C respectively.

NOTE: The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.

Attachment A

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

“Applicable public official” means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

“Campaign **Contribution**” means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official’s behalf for the purpose of electing the official to statewide or local office. “Campaign Contribution” includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

“Family **member**” means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

“**Pendency of the procurement process**” means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

“Prospective **contractor**” means a person or business that is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person or business qualifies for a sole source or a small purchase contract.

“**Representative of a prospective contractor**” means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

Name(s) of Applicable Public Official(s) if any: _____
(Completed by State Agency or Local Public Body)

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:
Contribution Made By:

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s)

(Attach extra pages if necessary)

Signature

Date

Title (position)

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Signature

Date

Title (Position)

Attachment BTime-Line/Schedule Guidelines

The Procurement Manager will make every effort to adhere to the following schedule:

| Action | Responsibility | Date |
|--|-----------------------|--------------------------------------|
| 1. Issue RFP | AOC | April 20, 2015 |
| 2. Deadline to Submit Receipt of Proposal | Potential Offerors | April 29, 2015 |
| 3. Deadline to Submit Written Questions | Potential Offerors | May 1, 2015 |
| 4. Response to Written Questions and RFP Amendments | AOC | May 8, 2015 |
| 5. Submission of Proposal | Offeror | May 18, 2015 |
| 6. Campaign Contribution Disclosure | Offeror | May 18, 2015 |
| 7. Evaluation of Proposals and Selection of Finalists | Evaluation Committee | May 25, 2015 through June 2, 2015 |
| 8. Notification of Finalists | AOC | June 4, 2015 |
| 9. Best and Final Offers from Finalist, if requested | Offeror(s) | June 8, 2015 |
| 10. Finalize/Award Contract | AOC/Offeror | June 17, 2015 |
| 11. Protest Deadline | Offeror | June 23, 2015 |

Attachment C-1**Sample Score Sheet****CHILDREN'S COURT EVALUATION POINT TABLE/SUMMARY**

The following is a summary of evaluation factors with a point value assigned to each factor. These factors will be used in the evaluation of individual proposals.

Applicant: _____

| <u>Factor</u> | <u>Score/Points Available</u> | <u>Rationale for score</u> |
|--|--------------------------------------|-----------------------------------|
| 1. Applicant's experience working with Children's Code cases (including section 32A-6-1 et seq.). | _____/20 | |
| 2. Applicant's experience with social service agencies, CYFD and other service providers. | _____/20 | |
| 3. Applicant's current practice. (areas of law) | _____/20 | |
| 4. Contract Amount Proposed | _____/20 | |
| 5. Description of Applicant's office organization, automation, office hours (reachable by clients), calendaring system, and ability to meet deadlines. | _____/20 | |
| 6. Description of Applicant's ability to meet with child, including home visits and/or adult clients. | _____/20 | |
| 7. Description of Applicant's ability to work collaboratively while maintaining zealous advocacy. | _____/20 | |
| 8. Description of Applicant's knowledge of related federal law and children's court and administrative rules. | _____/20 | |
| 9. Description of Applicant's ability to attend out of court meetings. (CRB, FCMs, pre-trial mediation) | _____/20 | |

| | | |
|--|----------|--|
| 10. List three challenges to the practice of Children's Law | _____/20 | |
| 11. Last CORE training attended; last Cross-Training attended, and number of related CLEs. | _____/20 | |
| 12. Applicant's standing with the New Mexico State Bar. | _____/20 | |
| 13. Judicial assessment score | _____/20 | |

Attachment C-2
Sample Score Sheet

CIVIL COMMITMENT EVALUATION POINT TABLE/SUMMARY

The following is a summary of evaluation factors with a point value assigned to each factor. These factors will be used in the evaluation of individual proposals.

Applicant: _____

| <u>Factor</u> | <u>Score/Points Available</u> | <u>Rationale for score</u> |
|--|--------------------------------------|-----------------------------------|
| 1. Applicant's experience working with civil commitment cases. (Adult cases and youth cases) | _____/20 | |
| 2. Applicant's current practice. (areas of law) | _____/20 | |
| 3. Contract Amount Proposed | _____/20 | |
| 4. Description of Applicant's office organization, automation, calendaring system, and ability to meet deadlines. | _____/20 | |
| 5. Description of Applicant's ability to meet with child and/or adult clients. | _____/20 | |
| 6. Description of Applicant's experience working with clients with developmental challenges and/or mental illness. | _____/20 | |
| 7. Description of Applicant's ability to meet with clients in various facilities, as necessary. | _____/20 | |
| 8. Applicant's availability on short notice for hearings. | _____/20 | |
| 9. Applicant's standing with the New Mexico State Bar | _____/20 | |
| 10. Judicial assessment score | _____/20 | |

EVALUATION PROCESS

1. All proposals will be reviewed for compliance with the mandatory requirements stated within the RFP. Proposals deemed non-responsive will be eliminated from further consideration.
2. The Procurement Manager may contact the Offeror for clarification of the response.
3. Responsive proposals will be evaluated on the factors, which have been assigned a point value. The responsible Offerors with the highest scores will be selected as finalist Offerors based upon the proposals submitted. Finalist Offerors who are asked or choose to submit revised proposals for the purpose of obtaining best and final offers will have their points recalculated based on their revised proposal. The responsible Offeror whose proposal is most advantageous to the District Court, taking into consideration the evaluation factors, will be recommended for contract award. Please note, however, that a serious deficiency in the response to any one factor may be grounds for rejection regardless of overall score.